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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAUSTEVEION JOHNSON,

Plaintiff,

vs.

J. YOUNGBLOOD , et al.,

Defendants.

Case No. 3:16-cv-00693-MMD-VPC

**MOTION FOR EXTENSION OF THE 90-
DAY STAY AND DEADLINE TO FILE THE
STAY REPORT**

Defendants,¹ by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Ian Carr, Deputy Attorney General, hereby submit this Motion for Extension of the 90-Day Stay and Deadline to File the Stay Report. This Motion is based on the following memorandum of points and authorities, all papers and pleading on file herein, and any other evidence the Court deems appropriate to consider.

MEMORANDUM OF POINTS AND AUTHORITIES

I. NATURE OF THE MOTION

On December 12, 2017, the Court entered its Screening Order instituting a 90-day stay to allow Plaintiff and Defendants the opportunity to conduct settlement discussions before an answer or other responsive pleading was filed and before Plaintiff is assessed the filing fee. *See* ECF No. 5 at 13–14. The Court further ordered the Office of the Attorney General to file the stay report at the conclusion of
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¹ Defendants submit the instant Motion solely to facilitate the mediation process pursuant to their Limited Notice of Appearance. *See* ECF No. 7.

1 that time period. *Id.* Based on the foregoing criteria, the 90-day stay is due to expire on March 12, 2018,
2 and the stay report is due to be filed on that day. *Id.*

3 The parties have informally corresponded since the Screening Order issued. However, the Early
4 Mediation Conference in this case has not yet been scheduled, but will certainly fall after the end of the
5 90-day stay. Defendants now respectfully request that this Court extend the 90 day stay and due date for
6 the stay report until two (2) business days after the parties attend the Early Mediation Conference.

7 **II. DISCUSSION**

8 FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

9 When an act may or must be done within a specified time, the court may,
10 for good cause, extend the time: (A) with or without motion or notice if
11 the court acts, or if a request is made, before the original time or its
12 extension expires; or (B) on motion made after the time has expired if the
party failed to act because of excusable neglect.

13 The proper procedure, when additional time for any purpose is needed, is to present a request for
14 extension of time before the time fixed has expired. *See Canup v. Mississippi Val. Barge Line Co.*, 31
15 F.R.D. 282 (W.D. Pa. 1962). Extensions of time may always be asked for, and usually are granted on a
16 showing of good cause if timely made under subdivision (b)(1) of the Rule. *See Creedon v. Taubman*,
17 8 F.R.D. 268 (N.D. Ohio 1947).

18 Good cause exists to extend the stay in this case, because extension will permit the parties to
19 engage in the Early Mediation Conference without Plaintiff being assessed a filing fee and without
20 Defendants being required to prepare a response to Plaintiff's Complaint and the stay report until after
21 mediation. Extending the stay will provide the parties the opportunity to engage in informal and formal
22 settlement discussions without the pressure of the litigation process.

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1 **III. CONCLUSION**

2 Based on the foregoing, Defendants respectfully request that the Court enter an order extending
3 the stay in this case and the deadline to file the stay report until two (2) days after the eventual Early
4 Mediation Conference.

5 DATED this 12th day of March, 2018.

6 ADAM PAUL LAXALT
7 Attorney General

8 By: 

9 IAN E. CARR
10 Deputy Attorney General
11 Bureau of Litigation
12 Public Safety Division

13 *Attorneys for Defendants*

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15 IT IS SO ORDERED.

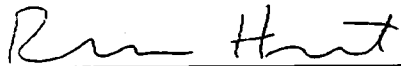
16 U.S. MAGISTRATE JUDGE

17 DATED: 
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on March 12, 2018, I caused to be served a copy of the foregoing, **MOTION FOR EXTENSION OF THE 90-DAY STAY AND DEADLINE TO FILE THE STAY REPORT**, by depositing for mailing via the U.S. Postal Service, to the following:

LAUSTEVEION JOHNSON #82138
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89070


An employee of the
Office of the Attorney General